REMARKS

No claims have been amended, cancelled or added as part of this Reply. Accordingly, claims 1-71 are currently pending in the instant patent application.

In responding to the Examiner's prior art rejections, Assignee here only justifies the patentability of the independent claims (*i.e.,* claims 1, 13, 26, 35, 43, 54, and 64). As the Examiner will appreciate, should these independent claims be patentable over the prior art, dependent claims would also necessarily be patentable. Accordingly, Assignee does not separately discuss the patentability of the dependent claims, although Assignee reserves the right to do so.

The Examiner has rejected originally filed independent claims 1, 13, 26, 35, 43, 54, and 64 as allegedly being anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 5,862,252 to Yamamoto et al. ("Yamamoto"). Office Action dated 11 June 2008 at pg. 3.

Yamamoto is directed to "[a]n image processing method and apparatus using the method, allows a target object to be displayed in a 3-D manner. A number of types of ***shape data with different resolutions*** for displaying the object are provided and the resolution of shape data used [in] the 3-D image display is decided in accordance with a display condition. The object is displayed in the form of a 3-D image by ***employing the shape data with the decided resolution***." Yamamoto at Abstract (emphasis added). Yamamoto further discloses "[s]till another aspect of the present invention relates to ... ***generating*** a 3-D geometrical shape using ***triangular patches***." Yamamoto at Col. 1 lns. 19-21 (emphasis added). Simply put, Yamamoto discloses a method of storing shape data in different resolutions for later use in ***generating*** a 3-D image of a target object.

Yamamoto is silent as to storing multiple resolutions of an image in an image data set as expressly recited in claim 1 because in Yamamoto the image is generated at display time from stored shape data using a "Delaunay triangulation." *See* Yamamoto at Col. 4 line 60. Therefore, Yamamoto does not describe or even suggest storing a plurality of resolutions of an image in an image data set for later use. As a consequence, Yamamoto does not disclose all elements of the claimed invention. Thus, the Examiner has failed to make a *prima facie* case of anticipation as required under 35 U.S.C. § 102 or established Patent Office examining guidelines.

Claims 2-12 depend from independent claim 1. Assignee has shown above that independent claim 1 is patentable over the cited art. As a consequence, claims 2-12 are also patentable over the cited art. Accordingly, Assignee respectfully requests the Examiner withdraw the rejection and pass claims 1-12 to allowance.

The Examiner has rejected independent claims 13, 26, 35, 43, 54 and 64 using substantially the same rationale. The above argument applies to these independent claims with equal force. As Assignee has shown above that Yamamoto cannot anticipate these independent clams, their corresponding dependent claims cannot be anticipated by the cited reference. Accordingly, Assignee respectfully requests the Examiner withdraw the rejection and pass claims 13-71 to allowance.

CONCLUSION

This paper is intended to be a complete response to the above-identified Office Action. Assignee believes no fees are due. However if it is found that additional fees are due, the Commissioner is authorized to deduct the necessary charges from Deposit Account: 501922/119-0028USC.

Reconsideration of pending claims 1-71 in light of the above remarks is respectfully requested. If, after considering this Reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

/William M. Hubbard/
William M. Hubbard, J.D.
Reg. No. 58,935

Wong, Cabello, Lutsch, Rutherford & Brucculeri, L.L.P.
Customer No. 29855 Voice: 832-446-2445
20333 SH 249, Suite 600 Mobile: 713-302-4648
Houston, Texas 77070 Facsimile: 832-446-2424
Email: wcpatent@counselip.com